

Appln. No. 10/753,866  
Amendment dated December 14, 2006  
Reply to Office Action of August 18, 2006

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### REMARKS/ARGUMENTS

In the Office Action of August 18, 2006, claims 19-27 were rejected under 35 U.S.C. §112, first paragraph (enablement) and under 35 U.S.C. §112, second paragraph (indefiniteness). Claim 19 was also objected to because of informalities.

#### The Present Response

By the present amendment, claim 19 has been cancelled, claim 28 has been added and claims 20-21 and 24-27 have been amended to more particularly point out and distinctly claim the subject matter of the present invention. That the specification is clearly sufficient to enable one skilled in the art to practice the claimed invention is noted below. The informalities noted in this Office Action are no longer found in claim 28, formerly claim 19.

#### Claim Rejections 35 U.S.C. § 112

Overcoming the rejection of examined independent claim 19, and claims 20 -- 27 dependent thereon, under both 35 U.S.C. §112(1) and 35 U.S.C. §112(2) centers on providing a recitation in the claims of functional or structural features setting forth what the grounding circuit means is for or what it does and for a listing of the elements described in the specification that comprise the grounding circuit means, including the manner in which the elements operate.

With respect to the second aspect of the §112 rejection, and in general, the present amendment revises the main independent claim in the application, now claim 28, to recite the elements of the claimed structure in a more logical manner, thereby to improve the definiteness of the claim.

More specifically, with respect to the second aspect of the §112 rejection, the grounding circuit means has now been described in the means plus function format of §112(6) as "... means for creating a low impedance path . . . and for creating a high impedance path . . ." in lines 15-17 of claim 28 and further as "... means for assuming said . . . low impedance path . . ." and "... assuming said . . . high impedance path . . ." responsive to whether the current at the second terminal of the grounding circuit is below or in excess of a predefined limit

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"... for limiting the amount of current to which the patient is exposed ...." See lines 28-29 of claim 28.

The present language of claim 28 thus clearly contains features recited in the manner set out in 35 U.S.C. §112(6) explaining what the grounding circuit means is for and what it does.

With respect to the description in the application disclosure of the grounding circuit means and the manner in which it operates, the following is to be noted.

As described at page 7, lines 11, 12; page 8, lines 5, 6; and page 8, lines 25-27 of the specification, the grounding circuit recited in claim 28 comprises the elements contained in the block (27) shown in Figure 4. The grounding circuit (27) has a first terminal (31) connected to ground (G) and a second terminal connected to a switch means (18-22) via a common connection (39). Page 8, lines 28 et seq. of the specification explain that the grounding circuit includes a grounding circuit means, namely an operational amplifier (28), for creating either a low impedance path or a high impedance path between the first and second terminals of the grounding circuit. As is well known, operational amplifiers are high gain amplifiers, such that an input signal in excess of a small, predefined limit, will drive the amplifier into saturation. For small input signals, below the predefined limit, such as the 10 $\mu$  A current noted at page 8, line 36 of the application, an operational amplifier operates in the unsaturated condition to provide amplification between the input signal and the output signal and presents a low impedance between its input and output. When the input signal to the operational amplifier exceeds the predefined amount or limit, the amplifier is driven into saturation and alterations in the input signal no longer alter the magnitude of the output signal. That input signal alterations are no longer effective to alter the output signal causes the operational amplifier to exhibit the electrical characteristics of high impedance between its input and the output. In the claimed grounding circuit, the current of the operational amplifier, and accordingly the current to which a patient may be exposed, is limited to a value established by the load resistor (29) found in the grounding circuit (27).

The use of an operational amplifier (28) in the grounding circuit (27) of the claimed structure is specifically noted in dependent claim 20.

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The foregoing description responds to the request by the Examiner to list elements in the disclosure comprising the grounding circuit means set out in the claims.

With respect to claim 21, the sensing means recited in that claim comprises the voltage comparator (32) described at page 9, line 32 of the specification. The voltage comparator (32) is used to indicate the attachment of additional precordial electrodes to the patient by comparing the output of the operational amplifier to a reference. The attachment of additional electrodes will cause the amplifier output to exceed the reference, causing the voltage comparator (32) to provide the desired indication.

It is believed that the claimed subject matter is fully described in an enabling manner in the disclosure of the specification and drawing of this application, as filed, and it is respectfully requested that the rejection under 35 U.S.C. §112(1) be withdrawn.

Further, in view of the description of the grounding circuit means in accordance with 35 U.S.C. §112(6), newly submitted claim 28, and the claims dependent thereon are believed to be in compliance with 35 U.S.C. §112(2).

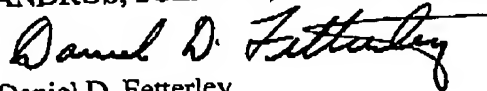
Withdrawal of the rejection of the claims is respectfully requested.

#### Conclusion

The present application is thus now believed in condition for allowance with claims 20-28. Such action is earnestly requested.

Respectfully submitted,

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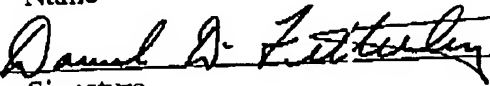
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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being transmitted Commissioner of  
Patents, 571-273-8300 on this 14<sup>th</sup> day of December, 2006.

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